

**Enrolled Minutes of the Fiftieth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, December 09, 2013**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, December 09, 2013 at 6:40 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Dan Vassar, Dennis Adams, Konnie Kuiper and Bernie Zemen were present. Councilor Mark Herak was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed the oath administration for the police officer candidate.
3. The Town Council discussed with the Building Commissioner the status of the demolition process for the site and building that hosted the former Chela's Restaurant on 45th Avenue, Highland. It was noted that the demolition was to begin on December 12 weather permitting.
4. The Town Council and the Clerk-Treasurer discussed the imminent vote to be taken by Northwestern Indiana Regional Planning Commission regarding the inclusion of the Illiana Tollway Project in the Comprehensive 2040 Plan. It was noted that there was significant opposition from Lowell residents.

The study session ended at 6:59 O'clock p.m.

Regular meeting. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, December 09, 2013 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Bernie Zemen, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Dennis Adams reciting the Pledge of Allegiance to the Flag of the United States of America and Councilor Kuiper offering a prayer.

Roll Call: Present on roll call were Councilors Dan Vassar, Dennis Adams, Konnie Kuiper and Bernie Zemen. Councilor Mark Herak was absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; Peter Hojnicky, Metropolitan Police Chief; John M. Bach, Public Works Director; William R. Timmer, Jr., CFOD, Fire Chief; and Kenneth J. Mika, Building Commissioner; Cecile Petro, Redevelopment Director; and Alex M. Brown, CPRP, Parks and Recreation Superintendent were present.

Also present were Randy Bowman, Assistant Inspector for Electric; Jared Tauber, Attorney with Tauber Law Offices and Ed Dabrowski, IT Director (contract).

Minutes of the Previous Meetings:

The minutes of the regular meeting of 25 November 2013 were approved by general consent.

Special Orders:

1. **Administration of Oath of Office** for Police Officer Candidate **Alex Perez**. Police Officer Candidate Perez was appointed by the Town Board of Metropolitan Police Commissioners at its meeting of November 18, 2013, with the appointment to be effective 08 December 2013, but not earlier than approval by INPRS.
 - (a) Action by Town Council determining that the named Candidate Meet the Qualifications for such position, as Determined by the Town Board of Metropolitan Police Commissioners and as now approved by the Highland Town Council.

Councilor Kuiper moved that it be determined that the named candidate meets the qualifications for such position, as determined by the Town Board of Metropolitan Police Commissioners, and now be hereby approved. Councilor Adams seconded. Upon a roll call vote there were four affirmatives and no negatives. The motion passed. The candidate was found to be qualified.
 - (b) Administration of Oath. The Town Clerk-Treasurer administered the oath of office to Police Officer Candidate Perez, who swore his oath following the narrative and instruction of the clerk-treasurer.
 - (c) Presentation of Badges by Metropolitan Police Commission Chair and/or Town Council President or the Metropolitan Police Chief. Councilor Adams, a former member of the Town Board of Metropolitan Police Commissioners, presented the badge to Police Officer Perez.
2. **Executive Proclamation:** A Proclamation in Recognition of Girl Scout Troop 10812, naming the week of December 9 through December 14 Highland Girl Scout Troop 10287 Yuletide Kindness Week. The Clerk-Treasurer read the proclamation aloud. The Town Council President adopted it with his signature.

**Town of Highland
Proclamation of the Town Executive**

**A Proclamation in Proclaiming the Week of December 9-12, 2013
As Highland Girl Scout Troop 10287 Yuletide Kindness Week.**

- WHEREAS**, The Leader and Members of Girl Scout Troop 10287 determined to bring Holiday Cheer and Do Good for the Community; and,
- WHEREAS**, On December 2, 2013 the Leader and Members of the Girl Scout Troop 10287 provided a Christmas Tree, affixed several decorations on it and placed it on display in the foyer of the Highland Town Hall and in doing so brought a spirit of Holiday cheer and ushered in the Yuletide for the public workers and the residents who use the Highland Municipal Building; and;
- WHEREAS**, It is noted that the Girl Scout Promise calls for Girl Scouts to serve God and Country, to help people at all times and to live by the Girl Scout Law; and
- WHEREAS**, It is further noted that the Girl Scout Law requires a Girl Scout to be honest and fair, friendly and helpful, considerate and caring, courageous and strong, and responsible for words and actions, to respect herself, others and authority, to use resources wisely, make the world a better place and be a sister to every Girl Scout; and
- WHEREAS**, In bringing a Christmas Tree and voluntarily decorating the Highland Town Hall for the holidays, the Girls and Leader of Troop 10287 clearly are well keeping the Girl Scout Promise and exhibit the most noble way all the elements of the Girl Scout Law, particularly making this world a better place; and
- WHEREAS**, The Elected Officers, appointed officers, employees and residents who serve, work and access the municipal building are deeply appreciative of the kindness of the gesture and the wonder of the Season that the decoration and tree evoke;

NOW, THEREFORE, I, Bernie Zemen, by virtue of the authority vested in me as President of the Town Council of the Town of Highland, Lake County, Indiana, do now hereby proclaim the week of **December 9 to December 12, 2013**, to be **Highland Girl Scout Troop 10287 Yuletide Kindness Week** in the Town of Highland;

That I further proclaim that the Leader and Girl Scouts of Troop 10287 are to be regarded with deep appreciation and high praise for their kind and worthy act and I further urge that their Highland neighbors join us in thanking these wonderful, exemplary citizens of our community.

Duly Proclaimed by the President of the Town Council of the Town of Highland, Lake County, Indiana, this 9th day of December 2013.

TOWN of HIGHLAND, INDIANA
By its TOWN COUNCIL PRESIDENT

/s/ Bernie Zemen, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Town Clerk-Treasurer

Communications:

1. The Letter from Dennis Adams was read aloud by the Clerk-Treasurer communicating his resignation from the Town Board of Metropolitan Police Commissioners to be effective, December 3, 2013. *(This is for information. There is no need for action pursuant to IC 5-8-4-4 the resignation is effective upon filing with proper officer to receive it.)*

Staff Reports:

No building report for November.

• Building & Inspection Report for October 2013

Permit	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	5	0	5	\$456,275.00	\$5,700.00
Signs:	3	0	3	\$97,000.00	\$1,808.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	127	127	0	\$934,606.00	\$15,640.50
Garages:	2	2	0	\$18,990.00	\$600.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	4	4	0	\$7,259.00	\$638.00
Fences	11	11	0	\$26,230.00	\$1,001.00
Swimming Pools	0	0	0		\$0.00
Drain Tile/ Waterproofing	6	6	0	\$70,867.00	\$1,164.00
Misc.	5	4	1	\$80,000.00	\$1,217.00
TOTAL:	163	154	9	\$1,691,227.00	\$27,769.00
Electrical Permits	19	12	7		\$1,662.00
Mechanical Permits	9	6	3		\$746.50
Plumbing Permits	10	5	5	0	\$1,145.50

Water Meters	0	0	0		\$0.00
Water Taps	1	1	0		\$200.00
Sewer/Storm Taps	1	1	0		\$300.00
TOTAL Plumbing:	12	7	5		\$1,645.50

October Code Enforcement:

Investigations: 243
Citations: 30

October Inspections:

Building: 46 Electrical: 36 Plumbing: 6 HVAC: 9
Electrical Exams: 2

• **Fire Department Report for November 2013**

	Month	2nd half of yr.
General Alarms	7	46
Still Alarms	11	41
Paid still alarms	4	26
Total:	22	

• **Workplace Safety Report for November 2013**

There were two incidents. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2013	Total in 2012	Restricted Days 2013	Lost Workdays This Year	Restricted Days Last Year (2012)	Lost Workdays Last Year (2012)
Parks	0	2	0	0	0	0	0
Fire	0	0	0	0	0	0	0
Police	0	8	10	0	0	0	0
Street	1	4	7	33	0	0	0
Water & Sewer	0	3	4	106	0	2	0
Maint.	0	0	1	0	0	0	0
Other	1	4	0	0	0	0	0
TOTALS	2	21	22	139	0	2	0

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

1. **Resolution No. 2013-54:** A Resolution Of The Fiscal Body Of The Town Of Highland Fixing The Official Faithful Performance Bond Of The Municipal Fiscal Officer Pursuant To I.C. 5-4-1 Et Seq.

Councilor Vassar moved the passage and adoption of Resolution No. 2013-54. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND
Town Council Resolution No. 2013-54

A RESOLUTION of the FISCAL BODY of the TOWN of HIGHLAND FIXING the OFFICIAL FAITHFUL PERFORMANCE BOND of the MUNICIPAL FISCAL OFFICER PURSUANT to I.C. 5-4-1 et seq.

WHEREAS, The Town Council of the Town of Highland serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-6, I.C.36-1-1-2-9 and I.C. 36-5-2-2;

WHEREAS, The Clerk-Treasurer is required to file an individual surety bond conditioned on the Clerk-Treasurer's faithful performance of the duties of the office of clerk-treasurer, including the duty to comply with I.C. 35-44-1-22 pursuant to I.C. 5-4-1-18(2) with such filing subject to I.C. 5-4-1-9;

WHEREAS, The Highland Town Council now desires to comply with the provisions of law identified herein,

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby fixes the Individual surety for the clerk-treasurer for the year **2014** in the amount of Three Hundred Thousand Dollars **(\$300,000)**;

Section 2. That the Town Council hereby finds and determines that the subject amount fixed for the bond is established according to the values and thresholds set forth in I.C. 5-4-18(c), which particularly states in pertinent part:

(a) The amount must equal thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, that amount being in Fiscal Year 2012 a net revenue of Forty million, seven hundred one thousand, seven hundred fourteen dollars and six cents (\$40,701,714.06) for the purposes of the clerk-treasurer surety; and

(b) The amount may not be less than Thirty Thousand dollars (\$30,000) nor more than Three Hundred Thousand Dollars (\$300,000);

Section 3. That the Clerk-Treasurer be instructed and authorized to procure a surety bond pursuant to this resolution and that the proper officers take such steps as necessary to carry out the objects and purposes of this resolution;

Section 4. That the signature of the proper officer engrossed upon on the surety bond, shall represent the approval by the legislative body as set forth in IC 5-4-1-8(a)(6).

DULY RESOLVED and ADOPTED this 9th Day of December 2013, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer

2. **Resolution No. 2013-55:** A Resolution Approving an Interlocal Cooperation Agreement for the Consolidation of Public Safety Answering Points (PSAPS) Pursuant to IC 36-8-16.7-47 in Lake County Indiana.

Councilor Kuiper moved to lay Resolution No. 2013-55 on the table. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The resolution was laid on the table.

3. **Works Board Order No. 2013-60:** An Order Authorizing and Approving the First Change Order to the Construction Contract related to the 3200 block of Condit Street Reconstruction Project in the amount of (\$7,400.84) (decrease), all Pursuant to I.C. 36-1-12-18

Councilor Vassar moved the passage and adoption of the Works Board Order. Councilor Adams seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Order of the Works Board No. 2013-60**

An Order Authorizing and Approving the First Change Order to the Construction Contract related to the 3200 block of Condit Street Reconstruction Project in the amount of (\$7,400.84) (decrease), all Pursuant to I.C. 36-1-12-18

Whereas, the Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved a public works project for street reconstruction and other improvements in the public roadway of Condit Street, with the project commonly known as the Condit Street Reconstruction Project; and

Whereas, The Town Council has heretofore awarded a contract to Rex Construction Company, Incorporated for the Project on May 13, 2013 in the amount of Two Hundred Sixty-three Thousand Three Hundred Eighty-eight Dollars and 38/100 Cents (\$263,388.38); and

Whereas, during the course of construction of the Project, it has become necessary to change or alter the original specifications of the project; and

Whereas, Garcia Consulting, a licensed engineer performing construction engineering services on this project, at the request of the Town, through the Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed first addendum to the original construction contract with Rex Construction Company, Incorporated particularly in support of costs associated with several bid items, which has a net effect of decreasing the contract cost; and

Whereas, the Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described.

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That Change Order No. 1 for the Condit Street Reconstruction Project, as prepared by Garcia Consulting, a licensed professional engineer performing construction engineering services on the Project, is hereby approved and authorized in each and every respect;,

Section 2. That this first addendum is hereby ordered to be known as Change Order No. 1, issued to reduce the net cost to the original agreement between the Town of Highland and Rex Construction Company, Incorporated in the amount of Seven Thousand Four Hundred Dollars and 84/100 Cents (\$7,400.84), bringing the total value of the entire agreement with any and all change orders approved to date to Two Hundred Fifty-five Thousand, Nine Hundred Eighty-seven Dollars and 54/100 Cents (\$255,987.54);

Section 3. That as any additional units of materials included in the original contract become needed, the costs of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

Section 4. That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original contract Two Hundred Sixty-three Thousand Three Hundred Eighty-eight Dollars and 38/100 Cents (\$263,388.38) which may not exceed Three Hundred Sixteen Thousand, Sixty-six Dollars and 07/100 Cents (\$316,066.07), all pursuant to IC 36-1-12-18(d);

Section 5. That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

Be it So Ordered

DULY ADOPTED and ORDERED BY the Town Council of the Town of Highland, Lake County, Indiana, acting as the Board of Works, this 9th day of December 2013 having passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1511 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.
 - 4.1 *The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$200 for work associated with Highland Grove Mall Special Security.*

Councilor Kuiper moved to authorize and approve the payment of overtime to the exempt salaried employee as indicated. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The overtime was authorized and approved.

5. Action to approve pay for employee at higher than starting pay for the range of the position, pursuant to Section 2 (a) of Ordinance No. 1511 the Wage and Salary Ordinance, as amended. *The Public Works Director is seeking to hire D. Martinez for part-time work. The Public Works Director wishes to start the prospective employee at \$9.00 per hour. The wage and salary ordinance provides a range starting at \$7.25 per hour extending to \$12.75 per hour.*

Councilor Vassar moved to authorize the hiring of the named employee at the higher than the starting rate of \$9.00 per hour. Councilor Adams seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The higher starting pay was approved.

6. Action to approve appointment or employment of full-time employee, pursuant to Section §3.03 of the Compensation and Benefits Ordinance.
The Public Works Director is recommending for full-time hire, R. Hoekstra in the position of Public Works Drive C, at the usual starting pay of \$13.62 per hour.

Councilor Kuiper moved to authorize the hiring of R. Hoekstra. Councilor Adams seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. Mr. Hoekstra was hired.

Comments from the Town Council Members

(For the Good of the Order)

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison.*

Councilor Vassar recognized the Redevelopment Director who offered an overview of on-going activities with a sign improvement at the north Indianapolis Boulevard entrance to the Town. She also reported the progress of the restoration of the Town Theater.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Town Board of Metropolitan Police Commissioners Liaison • Chamber of Commerce Liaison.*

Councilor Kuiper recognized the Fire Chief who reported on the annual excise enforcement, conducted during the Wednesday before Thanksgiving in which the Fire Chief participates.

- **Councilor Dennis Adams:** Councilor Adams noted his fondness for his service on the Town Board of Metropolitan Police Commissioners and expressed that he looked forward to service as a member of the Town Council
- **Council President Bernie Zemen:** *Chamber of Commerce Liaison • Liaison to the Board of Waterworks Directors. • Municipal Executive • Chairman of the Board of Trustees of the Police Pension Fund (1925 Law).*

Council President Zemen reminded all of his radio show airing the next day on radio station WJOB. He further remarked that he looked forward to the Town Holiday party to be held on Saturday, December 14.

Comments from Visitors or Residents: There were no comments from visitors or residents.

Payment of Accounts Payable Vouchers and Approval of Payroll Dockets. There being no further comments from the public, Councilor Kuiper moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period November 26, 2013 through December 09, 2013 as well as the payroll docket for the payday of November 15, 2013. Councilor Vassar seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors as well as the payroll dockets were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$173,431.08; Motor Vehicle Highway and Street (MVH) Fund, \$15,967.66; Law Enforcement Continuing Education, Training and Supply Fund, \$2,943.39; Innkeeper Tax Fund, \$16,873.21; Flexible Spending Account Agency Fund, \$1,694.07; Gasoline Agency Fund, \$24,183.54; Information and Communications Technology Fund, \$5,944.74; Special Events Non Reverting Fund, \$150.00; Municipal Cumulative Capital Development Fund, \$81,575.00; General Improvement Fund, \$60.00; Traffic Violations and Law Enforcement Agency Fund, \$15,653.000; Special Public Safety Fund, \$25,842.00; Total: \$364,317.69.

Payroll Docket for payday of November 13, 2013:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$14,227.01; Building and Inspection Department, \$6,348.51; Metropolitan Police Department, \$101,554.85; Fire Department, \$2,895.37; Public Works Department (Agency), \$57,466.18; and 1925 Police Pension Plan Pension Fund, \$0.00 Total Payroll: \$182,491.92.

The Town Council President announced that the Town Council would be meeting in a study session immediately following the plenary business meeting particularly conferring with the municipal department heads.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Adams seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, December 09, 2013 was adjourned at 7:25 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer